



January 8, 2016

**Via CM/ECF Filing**

The Honorable Charles R. Breyer  
United States District Judge  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

RE: *In re Volkswagen "Clean Diesel" Marketing, Sales Practices,  
and Products Liability Litigation*  
MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

Pursuant to Pretrial Order No. 2: Applications for Appointment of Plaintiffs' Lead Counsel and Steering Committee Members (Doc. No. 336), I submit this letter in support of my request to be appointed as a member of the Plaintiffs' Steering Committee.

My firm has filed two class actions in Central District of California on behalf of purchasers and lessees of Volkswagen vehicles. *Rumpf v. Volkswagen Group of America, Inc., et al.*, Case No. 15-cv-07637 ("Rumpf Action") and *Olney v. Volkswagen Group of America, Inc., et al.*, Case No. 15-cv-08347 ("Olney Action"). The Rumpf Action was transferred to the above-referenced MDL on December 10, 2015 pursuant to Conditional Transfer Order (CTO) 2. The Olney Action has not yet been transferred.

**1. Professional experience and Court Contact Information**

For the past ten years since I started my own firm, I have been exclusively representing victims in catastrophic accidents, fraud, toxic tort and products liability cases. My professional experience is more detailed in my *curriculum vitae* attached hereto as Exhibit A.

I have been honored to receive several awards, including ranked as National Lawyer of the Year in 2010 by Lawyers USA, Top 100 California Attorney by the Los Angeles Daily Journal, Top 10 San Diego Attorney by SD Metropolitan Magazine, Top 10 Super Lawyers in 2012 through 2014 and Best Lawyers in America named me the San Diego 2011 and 2012 Plaintiff Products Liability Attorney of the Year and 2015 Class Action and Mass Tort Attorney of the Year. I have been named San Diego's Trial Lawyer of the Year on two different occasions and was awarded nine times the Consumer Attorneys of San Diego Outstanding Trial Lawyers Award.

I, along with members of my firm, have extensive experience in complex litigation, including multidistrict litigation and are serving in leadership in the following coordinated proceedings:

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1. Lead Counsel in *Saylor v. Toyota, et al.*, Los Angeles Superior Court Case No. JCCP 4621 before Hon. Amy D. Hogue, (213) 351-7507;
2. Lead Trial Counsel in *In re: DePuy ASR Hip System Cases*, Los Angeles Superior Court JCCP Proceeding No. 4649 before Hon. Mary E. Wiss, (415) 551-3732;
3. Lead Trial Counsel in *In re Cold Therapy Cases*, San Diego Superior Court Case No. JCCP 4680 before Hon. Joel M. Pressman, (619) 450-7066;
4. Plaintiffs Executive Committee *In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL 2428, United States District Court, District of Massachusetts before Hon. Douglas P. Woodlock, J., (617) 748-9170;
5. Plaintiffs Executive Committee and Coordinating Firm *In re JCCP 4771, Zolof Birth Defect Cases*, Orange County Superior Court JCCP No. 4771 before Hon. Kim G. Dunning, (657) 622-5304;
6. Plaintiffs Executive Committee and Coordinating Firm *In re JCCP 4786, Paxil Birth Defect Cases II*, Los Angeles Superior Court JCCP No. 4786 before Hon. Amy D. Hogue, (213) 351-7507;
7. Lead Counsel for 111 Consolidated Cases *In re Chariot Wildfire Litigation*, United States District Court, Southern District of California, Case No. 14-cv-01437-AJB-KSC, before Hon. Anthony J. Battaglia, (619) 557-3446.

In addition, members of my firm are also on Plaintiffs Executive Committee in several cases, including *In re Biomet M2A Magnum Hip Implant Products Liability Litigation*, United States District Court Northern District of Indiana, South Bend Division, MDL 2391 before Hon. Christopher A. Nuechterlein, (574) 246-8104 and Fitbit JCCP 4880, San Diego Superior Court before Hon. Eddie C. Sturgeon, (619) 450-7067.

I and my Senior Trial Attorney, Deborah Dixon, are lead trial counsel on several certified class actions including *In re Sony Vaio Computer Notebook Trackpad Litigation*, United States District Court, Southern District of California, Case No. 09-cv-02109-BAS-MDD before Hon. Cynthia A. Bashant, (619) 321-0256; *Union Square at Broadway Homeowners Association v. Western Pacific Housing-Broadway, et al.*, San Diego Superior Court Case No. 37-2011-0091935-CU-CD-CTL before Hon. Ronald L. Styn, (619) 450-7062; and *Allen v. Similasan Corporation, et al.* United States District Court, Southern District of California Case No. 3:12-cv-00376-BAS-JLB before Hon. Cynthia Bashant, (619) 321-0256.

Recently, my Senior Trial Attorney Deborah Dixon, and I tried a nearly one-month certified class action jury trial in September 2015 in *Allen v. Hyland's, Inc.*, United States District Court, Central District, Western Division Case No. 12-cv-1150-DMG-MAN before Hon. Dolly M. Gee, (213) 894-5452.

## **2. Willingness and ability to immediately commit to time-consuming litigation**

If selected, my firm and I are willing to immediately commit to litigating this case and furthering the Court's goals in effectively and efficiently discovering key facts to help with resolution and/or a damages model to allow consumers to make the most educated decision about this case. My firm is comprised of 39 people, including 20 attorneys and 19 skilled staff members, with significant experience. Our complex department has 8 dedicated paralegals, in addition to 7 attorneys who work on class actions and mass torts.

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**3. Willingness and ability to work cooperatively with other plaintiffs' counsel and defense counsel.**

It is a core tenant of my practice to work cooperatively and effectively with all counsel. I have a history of working on large cases and working well with counsel. I am part of the Summit Council, a national group of thirty plaintiffs trial lawyers across the country, and therefore am familiar with many of the other plaintiffs' counsel in this matter. As part of my application and acceptance as a member of the American Board of Trial Advocates (ABOTA), my civility, professionalism and ability to work cooperatively with my peers and opposing counsel was a key aspect into my being accepted into this prestigious national organization of trial attorneys.

**4. Access to resources to prosecute the litigation in a timely manner.**

My firm has the appropriate assets and ability to prosecute this litigation and will agree, if selected, to invest resources as leadership deems necessary to effectively and appropriately ensure the rights of consumers are protected.

I am authorized to state that the following counsel support my application to be a member of the Plaintiffs Steering Committee:

Wylie Aitken, Esq.  
Aitken Aitken Cohn  
Santa Ana, California

Khaldoun A. Baghdadi, Esq.  
Walkup, Melodia, Kelly & Schoenberger  
San Francisco, California

Timothy G. Blood, Esq.  
Blood Hurst & O'Reardon LLP  
San Diego, California

Eric H. Gibbs, Esq.  
Girard Gibbs LLP  
Oakland, California

Richard D. McCune, Esq.  
McCune Wright LLP  
Redlands, California

Mark P. Robinson, Jr.  
Robinson Calcagnie Robinson Shapiro Davis, Inc.  
Newport Beach, California

Roland Tellis, Esq.  
Baron and Budd, P.C.  
Encino, California

Thank you for your consideration. I look forward to serving the Court in any capacity.

Very truly yours,



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John H. Gomez, Esq.

Encl.

# **EXHIBIT A**

**JOHN H. GOMEZ**

**655 West Broadway, Suite 1700**  
**(619) 237-3490**  
**San Diego, CA 92101**  
**John@GomezTrialAttorneys.Com**

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<b>EMPLOYMENT</b>	<b>Gomez Trial Attorneys, San Diego, CA</b> <i>Founder/CEO/Trial Attorney</i>	2005-present
	<b>McClellan &amp; Gomez, San Diego, CA</b> <i>Trial Attorney</i>	2000-2005
	<b>Office of the United States Attorney, San Diego, CA</b> <i>Assistant United States Attorney</i>	1997-2000
	<b>Latham &amp; Watkins, Los Angeles, CA</b> <i>Associate</i>	1994-1997
<b>CLERKSHIP</b>	<b>Hon. Marilyn L. Huff, U.S. District Court, S.D.C.A.,</b>	1993-1994
<b>EDUCATION</b>	<b>Yale Law School, New Haven, CT</b> J.D., 1993	
	<b>University of San Diego, San Diego, CA</b> B.B.A., <i>magna cum laude</i> , Business Administration, June 1989	
<b>PROFESSIONAL AWARDS AND RECOGNITIONS</b>	<p>Consumer Attorneys of San Diego “Trial Lawyer of the Year” 2006 and 2010;  Consumer Attorneys of San Diego “Outstanding Trial Lawyer”  (9 time recipient);  <i>Super Lawyer</i> 2008-2014 (Top 10 San Diego Super Lawyer 2012-14);  <i>Best Lawyers In America</i> 2007-2013;  <i>Best Lawyers in America</i> San Diego Plaintiffs Products Liability Attorney of the  Year, 2011-2012  <i>Best Lawyers in America</i> 2015 Class Action and Mass Tort Attorney of the Year;  <i>San Diego Daily Transcript</i> “Top 10” San Diego Attorney (Peer Review Polling)  2005-2015;  <i>Lawyers USA</i> National “Lawyer of the Year”;  American Board of Trial Advocates, Associate;  Summit Council, Member (invitation only to less than thirty lawyers nationally);  San Diego County Bar Association “Community Service Award” Recipient, 2012;  Martindale Hubbell AV-rated.</p>	
<b>PROFESSIONAL SERVICE</b>	<p><i>Consumer Attorneys of California</i>, 2013 Executive Board;  <i>Consumer Attorneys of San Diego</i>, 2012 President;  <i>Chicano Federation</i>, Board Member;  <i>La Cuna</i>, (nonprofit dedicated to placing Latino foster children), former Board  Chair;  <i>San Diego County Bar Association</i>, former Board Member;  <i>San Diego Volunteer Lawyers Program</i>, former Board Member; and  <i>National Institute of Trial Advocacy</i>, Faculty Member</p>	